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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,251	04/13/2004	Andreas W. Wendker	APLE.P0004C	6431
62234 7590 04/10/2008 ADELI & TOLLEN, LLP 1875 CENTURY PARK EAST SUITE 1360 LOS ANGELES, CA 90067				
EXAMINER				
MYINT, DENNIS Y				
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04/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/824,251

Applicant(s)

WENDKER ET AL.

Examiner

DENNIS MYINT

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 20-27,31,32,35-38,42-44,46-53 and 56-63
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cam Y Truong/
Primary Examiner, Art Unit 2162

Continuation of 11, does NOT place the application in condition for allowance because:

Referring to Objection to the Specification in the prior office action, Applicant argued that "The specification provides several examples of user having different roles. For example, in describing customer user interface generation, the specification states, 'if client 215 identifies itself or states as a preference that the user interface would be used by a sales person, then pricing and product information may be made the prominent or most easily accessible of the data in database 210 rather than human resource information which may be of less interest to the eventual user'. See specification, page 16, line 27-page 17, line 6. Clearly, in this example, one of ordinary skill would understand that a sales person is a role assigned to a user, and based on this role, the user is provided with a user interface that displays sales information more prominently. Accordingly, Applicants respectfully request withdrawal of the specification objection" (Applicant's argument, page 12 last paragraph through page 13 first paragraph 13).

In response, it is pointed out that said portion of the specification only describe user preferences and does not provide proper antecedent basis for the limitation "the first and second users having different roles; and supplying a first description to the first user and a second description to the second user, wherein the first and second descriptions are different based on the roles of the users" as recited in claims 59 lines 5-10. As such, Objection to the Specification is maintained.

Referring to rejection of claims 46-51 under 35 U.S.C. 101, applicant argued that "the system itself is described in terms that indicate it is a physical structure. For example, the system is described as having a database and a server communicatively coupled to the database. If the system were merely descriptive, then two parts of the system (the server and the database) could not be described as "communicatively coupled" to each other. Accordingly, Applicants respectfully submit that the system is statutory under 35 U.S.C. 101" (Applicant's argument, page 13, third paragraph).

In response, it is pointed out that the system as said system is software per se. Specification only defines "a computer system" - not "system". A "server" as defined in the abstract of the specification is an application server. Additionally, Figure 2 of the specification clearly defines a "a server communicatively coupled to the database", which is all software per se. Therefore, said system of claim 46-51 is software per se and does not fall within the four statutory categories. As such, rejection of claims 46-51 under 35 U.S.C. 101 is maintained.

Referring to rejection of claims 20-27 under 35 U.S.C. 102(e), Applicant argued that "first, Galea does not disclose classifying entities into entity types" (Applicant's argument, page 14 second paragraph).

In response, it is pointed out that Galea teaches classifying entities into entity types in Column 5 Lines 23-50, that is, In one embodiment, the databases contain compiled product or server components (domains). Each domain contains descriptive information which bind the domain elements to their respective GUI representations. Prerequisite tags may indicate the GUI element type such as, for example, single select list box, multi-select list box, radio buttons, click boxes, and input text field, or images that present the selections options for that domain.

Applicant also argued that "second, as Galea does not classify entities, Galea does not disclose (1) determining whether an entity satisfies a set of conditions and (2) classifying the entity as an entity type upon determining that the entity satisfies the set of conditions" (Applicant's argument, page 15 second paragraph).

In response, it is pointed out that Galea teaches "classifying entities in column 5 lines 23-50 as discussed above and also teaches (1) determining whether an entity satisfies a set of conditions and (2) classifying the entity as an entity type upon determining that the entity satisfies the set of conditions (Galea Figure 8, entities (i.e., user elements) are determined and classified as "Images", "Navigation Frame" entities, "Dynamic Content Frame elements; Galea, Column 5 Lines 23-50, i.e., Prerequisite tags may indicate the GUI element type such as, for example, single select list box, multi-select list box, radio buttons, click boxes, and input text field, or images that present the selections options for that domain).

Referring to claims 31-33, Applicant argued that "Galea does not disclose classifying entities into entity types" (Applicant's argument, page 16 second paragraph).

In response, it is pointed out that said limitation is taught by Galea in Figure 8 and in Column 5 Lines 23-50, as discussed above. Referring to claims 35-38, Applicant argued that "Galea does not disclose receiving a description of a user interface that is based upon classification of entities into entity types" (Applicant's argument, page 17 second paragraph).

In response, it is pointed out that Galea teaches "disclose receiving a description of a user interface that is based upon classification of entities into entity types" in Column 5 Lines 51-59, Column 5 Lines 23-50, Figure 8 and Column 5 Lines 51-59.

Referring to claims 42-44, Applicant argued that "Galea does not disclose a computer program that receives a description where the description is based on classifying the entities into entity types. Second, for reasons similar to those stated above for claims, Applicants respectfully submit that Galea does not disclose classification of an entity as an entity type upon determining that entity satisfies a set of conditions" (Applicant's argument, Page 18 third paragraph).

In response, it is pointed out that said limitations are taught by Galea in Figure 8 and Column 5 Lines 23-50.

Referring to claims 46-51, Applicant argued that "Galea does not disclose creating a description based on classification of entities into entity types" (Applicant's argument, Page 16 third paragraph).

In response, it is pointed out that Galea teaches said limitations in Figure 8 and Column 5 Lines 23-50.

Referring to claims 52-57, Applicant argued that "Galea does not disclose a computer that includes an application for generating a user interface by using and description and by retrieving data from a data store to populate at least one user element" (Applicant's Argument, Page 20 third paragraph).

In response, it is pointed out that Galea teaches said limitation in Column 5 Lines 51-59.

Referring to claims 58 and 63, Applicant argued that "Galea does not disclose supplying a first description to transact with a first data store and a second description to transact with a second data store" (Applicant's argument, page 21 last paragraph).

In response, it is pointed out that Galea teaches said limitation in Column 5 Lines 51-55, Column 4 Lines 1-5, Figure 1, Figure 12-13 and Column 12 Lines 28-50.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last Office Action was proper.

/dennis myint/
Dennis Myint
Examiner, AU-2162